

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

Before the Honorable BARBARA S. EVANS

**CRIMINAL CLERK'S MINUTES at Las Cruces
VIA ZOOM VIDEOCONFERENCE**

Case Number:	CR 23-204 MIS	Date:	3/9/2023	Recording Information:	LCR-SIERRA BLANCA
Clerk:	KRISTIN SOLIS	Type of Hearing:	DETENTION		
Defendant(s):		Attorney(s):		Appt'd.	Ret'd.
TRAPPER KILLSMANY		GIA McGILLIVRAY		<input checked="" type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>
Assistant U.S. Attorney:	RY ELLISON	Interpreter:	N/A		
Pretrial Services:	MONICA HOYLE	Court in Session:	10:01-10:02 A.M./12:06-12:52 P.M. (47 MIN)		
<input checked="" type="checkbox"/>	Defendant detained as a Flight Risk				
<input checked="" type="checkbox"/>	<p>Other: 10:01 A.M. – COURT ADVISES PARTIES THAT CASE WILL BE RECALLED AT THE END OF THE DOCKET SINCE TESTIMONY IS EXPECTED.</p> <p>12:06 P.M. – CASE RECALLED.</p> <p>UPON THE COURT'S INQUIRY, USPO HOYLE ADVISES THAT PRETRIAL'S POSITION REMAINS THE SAME AND NOTES THERE IS A WAIT LIST AT LA PASADA AND DIERSEN WILL NOT ACCEPT DEFENDANT.</p> <p>GOVERNMENT HAS NO EVIDENCE TO PRESENT, BUT WILL MAKE ARGUMENTS AFTER DEFENDANT PRESENTS WITNESSES.</p> <p>PROFFER BY MS. McGILLIVRAY REGARDING JACOB GOLDSMITH'S (DEFENDANT'S SON) TESTIMONY; WITNESS UNAVAILABLE NOW DUE TO TIME CONSTRAINTS.</p> <p>12:11 P.M. – DEFENSE CALLS GILBERT APODACA, WIT-1 (SWORN).</p> <p>12:12 P.M. – DIRECT EXAMINATION OF WIT-1 BY MS. McGILLIVRAY.</p> <p>12:19 P.M. – CROSS EXAMINATION OF WIT-1 BY MR. ELLISON.</p> <p>12:22 P.M. – NO REDIRECT EXAMINATION OF WIT-1 BY MS. McGILLIVRAY; WIT-1 STEPS DOWN.</p> <p>12:23 P.M. – ARGUMENT IN SUPPORT OF RELEASE BY MS. McGILLIVRAY.</p> <p>12:39 P.M. – ARGUMENT IN SUPPORT OF DETENTION BY AUSA ELLISON.</p> <p>12:49 P.M. – COURT MAKES FINDINGS ON THE RECORD AND DETAINS DEFENDANT PENDING TRIAL; DEFENDANT REMANDED INTO THE CUSTODY OF THE U.S. MARSHAL PENDING FURTHER PROCEEDINGS.</p> <p>12:52 P.M. – COURT IN RECESS.</p>				